

### **REMARKS**

This Response is in reply to the Office Action rejection mailed on 26 March 2008.

Claims 1, 2, 4, 5, 7-16, 19-24, and 26-49 were pending in the application, with each of the claims being rejected.

Claims 1, 2, 4, 5, 9, 14, 19, 21, 23, 24, 26, 41-45, and 48 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0024529 (hereinafter Miller) in view of U.S. Patent No. 6,233,467 (hereinafter Rydbeck). In the Applicant's response to the Final Office Action mailed 26 November 2007, Applicant offered rebuttal arguments that, in regards to independent claims 1 and 24, Miller does not teach adjusting a display of an electronic device based on an average measured ambient light. Instead, Miller teaches modifying both the luminance and contrast of an image as it is displayed on a display unit responsive to changing lighting conditions (see ¶0013). In the present Office Action, the Examiner maintains that Miller does teach averaging the ambient light over a period of time, and points to Figures 5 and 6 of Miller in support of this contention. However, neither figure illustrates taking an average of any kind, much less an average of the ambient light.

The closest indication of an average presented in these figures is in Figure 6, wherein steps S15 and S16 include "begin an [sic] progressive, time dependent adjustment to display luminance...". However, these steps are not discussing calculating an average. As discussed at least in ¶0031 of Miller, this "time dependent adjustment" is a gradual increase (or decrease) in the display luminance to allow the observer to adapt to the changing luminance. Thus, Miller is not teaching the calculation of an average. Even assuming *arguendo* that Miller is teaching an average, the average would be of the display luminance, not the ambient light surrounding the display as required by independent claims 1 and 24.

Further, Figures 5 and 6 of Miller disclose taking an initial reading of the surrounding luminance (step S7), as well as taking subsequent readings of the surrounding luminance (step

S17). The measured surrounding luminance readings are compared to other values (see steps S8 and S18), but nowhere does Miller disclose that these readings are averaged.

The Examiner cites to Rydbeck as teaching adjusting the size of information displayed on the display of a mobile phone in response to changes in ambient light. This characterization is incorrect and misleading. Rydbeck in fact teaches changing the size of the displayed information solely in response to applying external power to the mobile phone or operating the mobile phones in a hands-free mode. Rydbeck suggests that either of these situations may occur when lighting conditions are poor, but changing the size of displayed information is completely independent of the ambient lighting conditions. Significantly, Rydbeck does not teach taking lighting conditions into account in any way when making adjustments to the display size. Therefore, one skilled in the art would find no motivation to combine the teachings of Rydbeck with Miller and the combination is improper. All rejections based on the combination of Miller and Rydbeck must then fail as a matter of law.

Regarding claims 4 and 44, Rydbeck discloses in Figure 4 that the surround luminance sensor 16 is completely separate from the camera (indicated at least by 26, 28, 30, and 12) itself. Rydbeck discloses that both the surround luminance sensor and camera provide input to the microprocessor 18, but not that the camera is used as the light sensor. Indeed, nowhere does Rydbeck suggest using the camera in this manner.

The above arguments notwithstanding, claims 4 and 44 have been amended to more clearly state that the light sensor is an image sensor for a **camera assembly**, not simply part of the same circuitry containing the camera as suggested by Figure 4 of Rydbeck. Support for these amendments may be found on p. 14, line 22 through p. 15, line 8 of the present application. The camera assembly is defined as including "camera lens 116, image/light sensor 112a, and image/light processor 114a." Comparing these camera components to Figure 4 of Rydbeck, the lens 26, image sensor 12, and signal processor 32 are generally equivalent to the

“camera assembly” of the present application. As stated above, Rydbeck clearly illustrates in Figure 4 that the camera assembly is separate from the surround luminance sensor. Therefore, Rydbeck does not disclose using the camera assembly as the light sensor as required by claims 4 and 44.

For at least these reasons, independent claim 1 and dependent claims 2, 4, 5, 9, 14, 19, 21, and 23, as well as independent claim 24 and dependent claims 26, 41-45, and 48 are not made obvious by Miller and Rydbeck and are in condition for allowance.

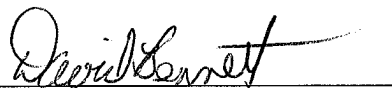
Dependent claims 7, 8, 10-13, 15, 16, 20, 22, 27-36, 38-40, 46, 47, and 49 were rejected under 35 U.S.C. 103(a) as being unpatentable over various combinations of Miller and Rydbeck in further view of other cited art. Applicant notes that each of these rejections relies primarily on the combination of Miller and Rydbeck. However, as discussed above, Miller and Rydbeck fail to disclose all the limitation of independent claims 1 and 24. None of the other cited art in these rejections remedies these failings, nor does the Examiner assert otherwise. Therefore, the combination of Miller and Rydbeck and each of the other cited art references fails to make a *prima facie* case of obviousness since the combination does not teach or suggest all the claim limitations. Accordingly, Applicants submit that dependent claims 7, 8, 10-13, 15, 16, 20, 22, 27-36, 38-40, 46, 47, and 49 define patentable subject matter over the cited art.

Additionally, claims 1 and 16 have been amended to correct minor typographical errors. These amendments were not made in view of the prior art and do not affect the scope of the claims.

The Applicants respectfully request that the examiner withdraw all rejections and issue a Notice of Allowance. Should any issues remain unresolved, the Applicants request that the Examiner call the undersigned so that any such issues may be expeditiously resolved.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "David E. Bennett", written over a horizontal line.

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